

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HELEN M. STARNES,

Plaintiff,

v.

No. 01-2804 B

SEARS ROEBUCK & CO. et al.,

Defendants.

ORDER DENYING DEFENDANTS' MOTION IN LIMINE TO EXCLUDE ANY
EVIDENCE, STATEMENT OR ARGUMENT DURING VOIR DIRE, DIRECT
EXAMINATION OR CROSS-EXAMINATION OF ANY WITNESS REGARDING
THE BELIEFS OR ATTITUDES OF ANY POTENTIAL JUROR, WITNESS
OR PARTY REGARDING INSURANCE OR THE INDIVIDUAL'S
RELATIONSHIP WITH THE INSURANCE INDUSTRY

Before the Court is the January 17, 2006 motion in limine of the Defendants, Sears, Roebuck & Company and Jones Lang LaSalle Americas, Inc. d/b/a Jones Lang LaSalle, Inc., to exclude from trial any evidence, statement or argument during voir dire, direct examination or cross-examination of any witness regarding the beliefs or attitudes of any potential juror, witness or party regarding insurance or the individual's relationship with the insurance industry. In response, the Plaintiff argues that the Defendants' request is premature, a position with which the Court agrees.

Deferring admissibility decisions until trial is generally a practice preferable to issuing an order in limine excluding a broad category of statements and/or testimony. See Clark v. Tenn. Valley Elec. Co-op, No. 00-1011, 2002 WL 1397270, at *2 (W.D. Tenn. Apr. 2, 2002). "A motion in limine seeks essentially an advisory opinion as to evidentiary questions since the court may change its ruling, for whatever reason, when the evidence is actually offered and

objected to at trial." Id. (citation and internal quotation marks omitted). "The court may decline to make [such] pretrial rulings because they are not provided for in the Federal Rules of Civil Procedure and are merely requests for the Court's guidance." Id. It is the opinion of this Court that any objection on the part of the Defendants with respect to arguments or statements relative to the insurance industry is better suited for trial. Accordingly, the motion in limine is DENIED without prejudice to being renewed at trial should the Defendants deem it necessary.

IT IS SO ORDERED this 8th day of February, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE